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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,668

03/04/2005

Emma Jane Heatley

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12/29/2009

MORRISON & FOERSTER LLP

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SUITE 400

MCLEAN, VA 22102

EXAMINER

MULLER, BRYAN R

ART UNIT

PAPER NUMBER

3727

MAIL DATE

DELIVERY MODE

12/29/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/526,668

**Applicant(s)**

HEATLEY, EMMA JANE

**Examiner**

BRYAN R. MULLER

**Art Unit**

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 6-19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 8, 13 and 15-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 9-12, 14, 18, 19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/29/2009, 10/21/2009
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

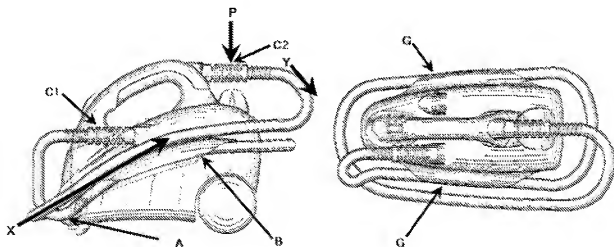
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6, 7, 9-12, 14, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosa (D452,594).
3. In reference to claim 1, Rosa discloses all of the claimed structure, having a main body with a front, rear first and second sides and a non-planar sinuous hose storage path that increases in height (arrow X) from the front portion to a peak (P) above the wheel(s) and decreases in height (arrow y) from the peak towards the rear portion of the main body.
4. In reference to claims 6 and 9-11, Rosa clearly discloses all of the claimed limitations.
5. In reference to claim 7, Rosa further discloses first and second connectors (C1 and C2) for connecting the ends of the hose with the main body and a wand, respectively and, which are adjacent to one another.
6. In reference to claim 12, Rosa discloses that the entire channel retains the hose therein, thus the ends of the channel are also arranged to retain the hose.

7. In reference to claim 14, any of the guide sections (G) may be considered to be clips that are positioned along the hose storage path. A "clip" is defined as "any of various devices for gripping or holding things together"<sup>1</sup>, wherein both of the guide sections either grip the hose or hold the hose against the main body, Thus reading on the limitation of a "clip".

8. In reference to claim 19, Rosa clearly shows that the hose has a length which is greater than the hose storage path and the end portions (C1 and C2) of the hose may be considered to be locators that identify portions of the hose that are to be retained in or on the main body.

9. In reference to claim 21, Rosa further discloses that the guide is located such that the hose storage path curves around at least part of the wheels (at section B).



***Claim Rejections - 35 USC § 103***

<sup>1</sup> The American Heritage® Dictionary of the English Language, Fourth Edition  
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10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Rosa (D452,594) in view of Tsuda (D422,763).

12. Rosa discloses the appliance as discussed supra, but fails to disclose that the guide is removably mounted on the main body. Tsuda discloses a similar compact cleaning apparatus having a main body and a base with wheels, wherein the base is removable from the main body to reduce the weight and overall size of the main body so that a user can more easily carry the main body when use of the appliance requires a user to hold the main body during use. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of Rosa with a base that is separable from the main body to reduce the weight and bulk of the main body, as taught by Tsuda. Tsuda further discloses that the removable base also includes storage for at least one attachment, thus minimizing the weight of the main body because the attachment or storage compartment would only be necessary for storage and would not need to be attached to the main body when the separated main body is in use. Therefore, it further would have been obvious to provide the guide portions (G) of Rosa on the separable base section, for the same reasoning, to minimize the weight of the main body when removed from the base because the hose

storage path would not be needed on the main body when in use and separated from the base. Thus, it would have been obvious to form the base, including the guides, to be removably mounted on the main body.

### ***Response to Arguments***

13. Applicant's arguments filed 9/17/2009 have been fully considered but they are not persuasive. The applicant argues that the Rosa reference fails to provide the claimed structure for the amended claim 1. However, as discussed supra, the Rosa reference does provide all of the claim limitations, as amended.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rosenzweig (D549,406) and Ashbaugh (2,337,364) both disclose cleaning appliances having similar structure as the applicant's claimed invention.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRYAN R. MULLER whose telephone number is (571)272-4489. The examiner can normally be reached on Monday thru Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bryan R Muller/  
Primary Examiner, Art Unit 3727  
12/23/2009